

ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF HEYBURN, MINIDOKA COUNTY, IDAHO, ANNEXING CERTAIN REAL PROPERTY OWNED BY BLINCOE FARMS, INC. AND TERRY W. SANFORD AND BRENDA L. SANFORD, ADJACENT TO THE CITY AND LOCATED IN MINIDOKA COUNTY; AND, FINDING SUCH TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN AND DESIGNATING THE ZONING FOR SUCH LAND AS "CG" (COMMERCIAL GENERAL) AND, PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City finds that the land described below, (the "Subject Property"), is contiguous to the City as set forth on the area map attached as Exhibit "A"; and,

WHEREAS, the said Subject Property may likely be developed for commercial uses in the future; and,

WHEREAS, the City has determined and hereby finds that it either has adequate current facilities and resources to provide City utility services to the Subject Property or that it will obtain or develop such in the future as it is able to do so; and,

WHEREAS, the City hereby determines and declares that it is in the best interests of not only the property owners of the Subject Property, but also the City as a whole for such land to be annexed into the City and that such annexation is consistent with the City's current version of the City's Comprehensive Plan and that such annexation is reasonable given all factors; and,

WHEREAS, the owners of such Subject Property, Blincoe Farms, Inc. and Terry W. Sanford and Brenda L. Sanford, have requested annexation and the City can proceed with the annexation as a "Category A" type of annexation as set forth in Idaho Code Section 50-222 (3) and (5)(a); and,

WHEREAS, the City has determined that the most appropriate zoning district designations for the said Subject Property would be "CG" (Commercial General); and,

WHEREAS, pursuant to the laws of the State of Idaho and the ordinances of the City, public hearings were held pursuant to public notice as follows: before the Heyburn Planning and Zoning Commission on March 10, 2008 at 7:00 P.M. and reported its recommendations to the City Council at its March 12, 2008 regular meeting; and before the Heyburn City Council on April 9, 2008 at 7:00 P.M.; and both bodies did invite and take public comment and received documents which were all admitted to the official record of the proceedings and were also duly reviewed; and,

WHEREAS, the Planning and Zoning Commission, after due deliberation, recommended to the Council that such petition for annexation be granted and the Subject Property be zoned as CG ("Commercial General"); and the City Council after due deliberation, agreed that such petition should be granted and finds that such zoning designation is in the best interests of the City, its growth, economic development and is consistent with the City's Comprehensive Plan;

FURTHER, consistent with the foregoing, the City makes the following findings and conclusions:

1. The Subject Property is contiguous to the City of Heyburn.
2. The City has domestic water and sewer facilities adjacent to the Subject Property.
3. The property owners of the Subject Property have requested to be annexed into the City and have petitioned the City to be annexed.
4. The southern border of the Subject Property is near or contiguous to the Interstate 84, and therefore such the Subject Property has great potential for commercial development and is less suitable or desirable for residential development. The eastern border of the Subject Property is close to Highway 27, Interstate 84 ("I-84") and also Exit 208 of I-84.
5. The proximity of the Subject Property to Highway 27 and to Exit 208 of I-84 makes commercial development of the property not only feasible, but likely of prime interest. The location of the Subject Property allows for relatively easy access for trucks and other commercial vehicles to travel to it from I-84 and return to I-84, creating less traffic problems within the other portions of the City.
6. The Subject Property can be served now or in the future by all of the City's municipal utility services. The current uses of the Subject Property do not require City water or sewer be installed at the present time nor have the owners of the Subject Property requested such.
7. The City has adequate means to provide law enforcement as needed in the subject property.
8. The City's current Comprehensive Plan ("Plan") encourages or provides:
 - A. That the City's economy should be enhanced with further commercial development. The Plan noted the positive economic effects of the J.R. Simplot Company potato processing plant on the

City, which plant was closed subsequent to the adoption of the Plan. The business and jobs lost as a result of that plant closing have not been fully replaced by new businesses which have opened in the area since such closure.

- B. Development should be consistent with the characteristics of the land. While currently the Subject Property is being used as farm land, the Subject Property's characteristics are consistent commercial use, due to its close access to both Highway 27 and I-84. The commercial growth next to and along Highway 27 and next to and along the frontage of I-84 appears to be very likely.
- C. The survey conducted pursuant to the creation of the current Comprehensive Plan indicated a need for more and further economic development in the City, especially along the "Interstate corridor". The Plan notes that not only would such development stimulate the economic growth of the City, but also the growth would increase the City's tax base. Also, such economic growth will stimulate residential growth in the City.
- D. Commercial growth of the City should occur in areas of the City apart from residential uses, and ideally should not mix with existing or future areas of residential growth. Annexation and zoning of the Subject Property will provide means to discourage such undesirable mix of uses and allow the City to plan for more orderly growth.
- E. The Plan expressly encourages commercial development in the area of Exit 208 of I-84, the exit closest to the Subject Property.
- F. The City, situated in the middle of the Mini-Cassia area (Minidoka and Cassia Counties) makes it the "hub" of the area and accordingly development of the City, both residential and commercial, is inevitable and being planned for by the City.

9. Commercial use of the Subject Property will increase the tax base of the City and provide for the means to partially or in whole fund projects within the area annexed and possibly other services for the City at large.

10. The current use of the Subject Property is agricultural. The petitioners have requested that the land be zoned commercial or light industrial. The City finds that CG ("Commercial General") is most appropriate at this time. If the land were zoned as agricultural, the City would have less ability to control and plan for eventual commercial development of the Subject Property and the land in that area and therefore the City's planning needs are better served by zoning the land as CG

("Commercial General") at this time.

11. Annexation of the Subject Property at this time is in the best interests of the City so that the City can continue to plan and make further arrangements to provide municipal utilities and develop appropriate roads and other infrastructure to the Subject Property in order for it to be developed as a commercial area.

12. The annexation of the Subject Property will allow for orderly growth and economic development of the City and is in the best interests of the City and its citizens.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Heyburn as follows:

Section 1: The following described land (the Subject Property) is hereby declared to be annexed to and incorporated into the City of Heyburn as a part of said City; and, the city limits of the City of Heyburn being enlarged to encompass such land within its borders:

Parcel 1: NE¼ of Section 7, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho

Parcel 2: NW¼ of Section 8, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho


Section 2: The said Subject Property should be and hereby is zoned as follows: "CG" (Commercial General). Such designation as to such land shall be deemed an amendment to the City's Official Zoning Map.

Section 3: This ordinance shall be in full force and effect from and after its three readings, passage, approval and publication.

PASSED this 14th day of May, 2008 by the City Council of the City of Heyburn.

APPROVED this 14th day of May, 2008, by the Mayor of the City of Heyburn.

THE CITY OF HEYBURN


By: George A. Anderson, Mayor

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Attest:

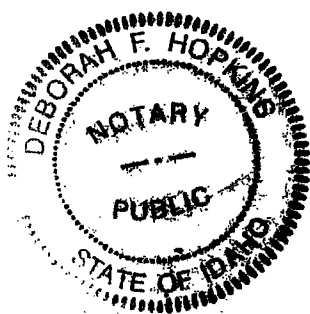

Linda L. Dayley
Linda L. Dayley, Clerk

STATE OF IDAHO)
) ss.
County of Minidoka)

On this 14th day of May, 2008, before me the undersigned, a Notary Public in and for said state, personally appeared George A. Anderson, known to me to be the Mayor of the City Heyburn, Idaho and Linda L. Dayley, the Clerk of said City and the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed and attested the same on behalf of and as authorized by said city as its authorized representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



Deborah F. Hopkins
Notary Public for Idaho
Residing at Rupert, Idaho
Commission Expires: 4-15-2009

Instrument # 496875

MINIDOKA COUNTY, RUPERT, IDAHO

5-22-2008 02:32:25 No. of Pages: 7

Recorded for : CITY OF HEYBURN

DUANE SMITH Fee: 0.00

Ex-Officio Recorder Deputy

sa

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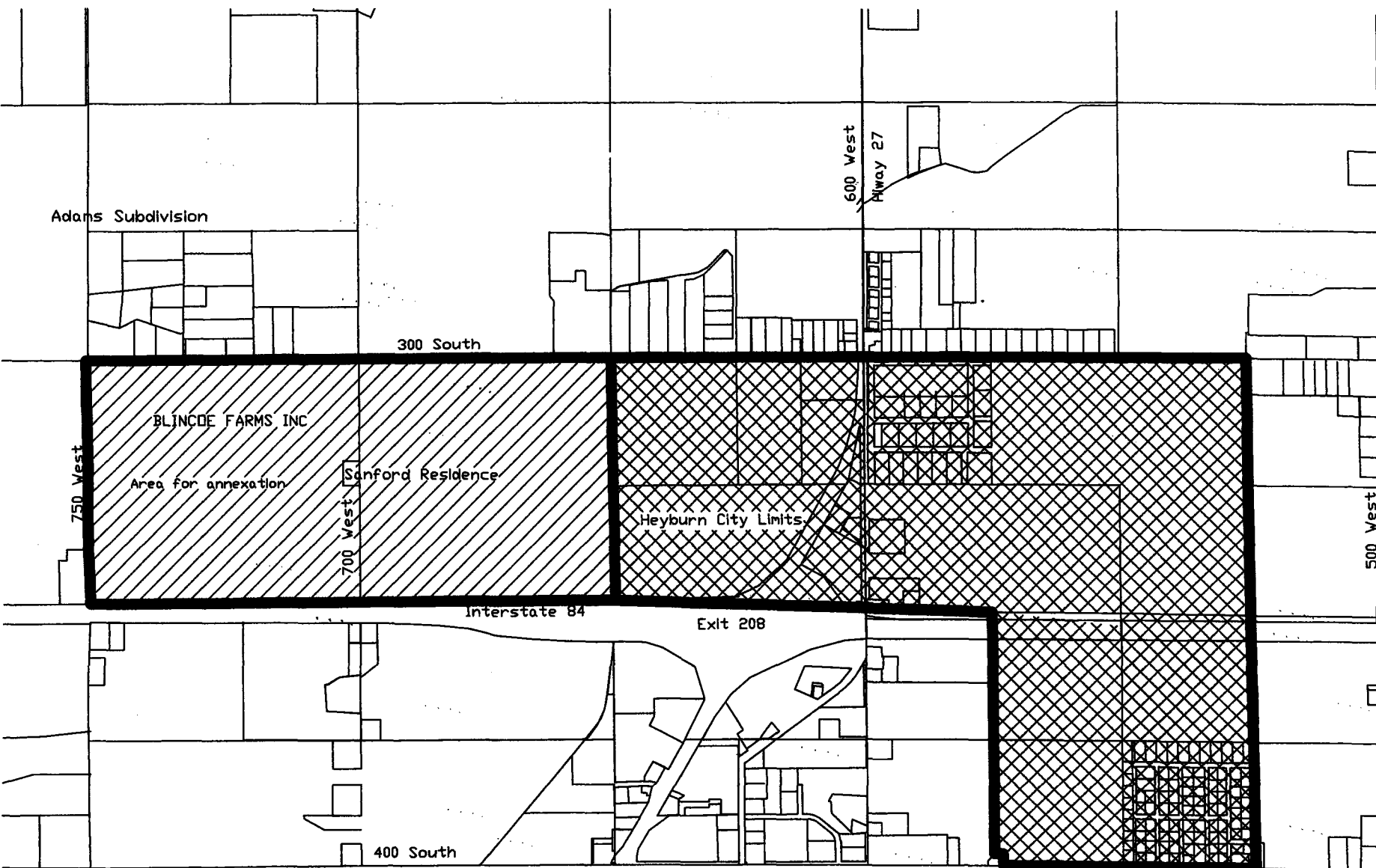
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EXHIBIT "A"
(Area Map)

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May 23, 2006

Jeff Servatius
State Tax Commission
P O Box 36
Boise, ID 83722

RE: Annexation Ordinance No. 507

Dear Jeff Servatius:

Enclosed is a copy of the Recorded Ordinance No. 507 for your approval.

If you have any questions, please call our City Attorney Steve Tuft at 208-878-2922 or me at 679-8158.

Sincerely,

A handwritten signature in cursive script that reads "Linda L. Dayley".

Linda L. Dayley
City Clerk/Treasurer

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**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
)ss
STATE OF IDAHO)

Ruby Aufderheide being first duly sworn, deposes and says that she is the Legal Clerk of the
South Idaho Press, a weekly newspaper published at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation therein. Deponent further states that the printed notice
attached hereto was duly published according to law in the regular editions of the South Idaho
Press for one consecutive week(s), commencing with the issue dated 29th day of May, 2008
and ending with the issue dated 29th day of May, 2008

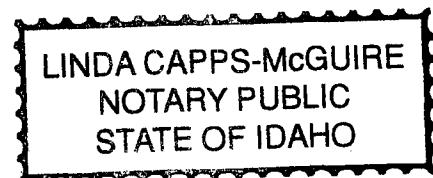
Ruby Aufderheide

STATE OF IDAHO)
COUNTY OF)ss
Cassia)

On this 30th day of May, 2008, before me, Ruby Aufderheide
a Notary Public, personally appeared Ruby Aufderheide know or identified to me to be
the person whose name is subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that she
executed the same.

Linda Capps McGuire
Notary Public for Idaho
Residing at Burley, Idaho.
Jerome
My commission expires: 5-19-09

Cost of Publication 641.90
Affidavit Fee _____
Total Cost 641.90



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Donna Meade: Any questions or comments.

Steve Tuft: The first thing I want to do is identify the documents that are in front of the planning and zoning committee. Mark them as follows

Exhibit #1 Area map from the Assessors office

Exhibit #2a Petition for zoning Blincoe Farms

Exhibit #2b Petition for zoning Terry & Brenda Sanford

Exhibit #3 Smaller map from Don Chisholm

Exhibit #4 Map left by Mark Mitton

Exhibit #5a Petition for annexation Blincoe Farms

Exhibit #5b Petition for annexation Brenda & Terry Sanford

Are there any more documents that you want the planning & zoning committee to review? All documents are on record. By law, the planning and zoning committee cannot take any comment from the public or from staff for the merits of this outside of the public hearing, so once Donna declares public hearing portion to be closed, no more comments are to be made. We want everyone to have their say. If there is some information that you think this body needs to hear that has not been said, this is your final offer. It appears there is nothing more.

Donna Meade: Will it in the future be costly to the City of Heyburn to get sewer and water to them.

Paul Aston: Generally the burden of cost of infrastructure is on the back of the developers. The city will help as much as they can with grants and such.

Donna Meade: So the annexation does not obligate the City of Heyburn to get water and sewer.

Paul Aston: It does not.

Steve Tuft: Do you (Paul) have a recommendation for the City Council as how you believe it should be zoned if annexed.

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Minidoka County TECHNICAL SUPPORT
Community Development
ZONING ORDINANCE OR MAP AMENDMENT
APPLICATION

CITY OF JURISDICTION OR AREA OF IMPACT(if applicable): Heyburn

APPLICANT INFORMATION

NAME: Blincoe Farms, Inc. TELEPHONE (WORK): 678-4731
ADDRESS: 211 S 700 W TELEPHONE (HOME): Richard Blincoe
678-9384
CITY: Heyburn STATE: ID ZIP CODE: 83336

PROPERTY INFORMATION

OWNER: Blincoe Farms, Inc.
LOCATION: 650 W to 750 W, 300 S ZONING DISTRICT: _____
DESCRIPTION OF EXISTING USE: Farming in agricultural light and
agricultural medium zone
DESCRIPTION OF PROPOSED USE: Continued farming and eventual commercial
or industrial development
LEGAL DESCRIPTION (or attach): See attached Exhibit "A" from Petition for
Annexation and Zoning - Generally NE¼ of Section 7, except home of Terry
and Brenda Sanford and all of NW¼ of Section 8, all in Township 10 South
Range 23 East of the Boise Meridian, Minidoka County, Idaho

NECESSARY ATTACHMENTS

FEE: A non-refundable fee of \$200.00 (City of Paul \$400.00 deposit with \$300.00 non-refundable) shall accompany this completed application. Applicant will be billed for any additional costs above and beyond the initial fee or deposit, accrued by the County/City involving publication and notification of the public hearing as well as any other direct costs involved with the application for the Amendment.

VICINITY

MAP: For rezone or map amendment, a vicinity map showing property lines and dimensions, roads, easements and existing land use of all adjoining property. Map is attached

2 a) Exhibit

PLAN

DRAWING: A plan of the proposed site for the rezone or map amendment showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards.
No plans are currently proposed

NARRATIVE

STATEMENT: A narrative statement that includes the following information:

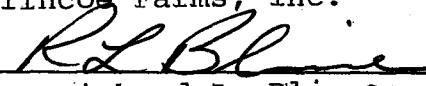
1. A detailed description of the proposed use or special application.
2. The reasons for requesting the amendment.
3. Evaluation of the impact of the proposed use or special application on surrounding property, the County/City, the area and the population in general.

Narrative Statement is attached

I certify that all the information I have submitted is true and correct. Any false information will result in the invalidation of this application.

Blincoe Farms, Inc.

DATE: 3-5-2008 **APPLICANT SIGNATURE:** 
By: Richard L. Blincoe, Vice President

DATE: 3-5-2008 **OWNER SIGNATURE:** 
By: Richard L. Blincoe, Vice President

NOTE: If there is more than one owner include attachment with all the owners' consent and signatures.

The Zoning Administrator reserves the right to not officially accept this application until all the required information is submitted and complete. The date of the public hearing will be set after acceptance of a completed application.

DATE ACCEPTED: _____ **BY:** 

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NARRATIVE STATEMENT OF PROPOSED USE OF NORTHEAST QUARTER OF
SECTION 7 AND NORTHWEST QUARTER OF SECTION 8 ALL IN TOWNSHIP 10
SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Blincoe Farms, Inc., and Terry W. Sanford and Brenda L. Sanford submit this narrative statement regarding the proposed use of the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho if the property is annexed into the City of Heyburn and zoned for commercial or industrial use.

The property is located between 650 West and 750 West along 300 South Road in Minidoka County. The interstate highway is the South boundary of the property. The property is situated North and West of the existing boundaries of the City of Heyburn.

Terry W. Sanford and Brenda L. Sanford own the residence at 325 South on 700 West Road. Blincoe Farms, Inc., owns the property which surrounds the Terry and Brenda Sanford home. Brenda Sanford is the daughter of Larry and Carla Blincoe and granddaughter of Richard and Betty Blincoe, the principal shareholders in Blincoe Farms, Inc. Richard D. Blincoe and Larry Richard Blincoe are the president and vice president of Blincoe Farms, Inc.

The property is currently zoned by Minidoka County as agricultural light and agricultural medium.

With the exception of the residence of Terry and Brenda Sanford, the property is used for farming. Blincoe Farms, Inc., is farms the property which is subject of the annexation and zoning application and other farm ground in the vicinity as well as farm ground located at more remote locations. Blincoe Farms, Inc., would like to retain the use of their property for agricultural purposes as long as possible. Terry and Brenda Sanford would like to see the property owned by Blincoe Farms, Inc., used for farming purposes for as long as possible, so they can continue the residential use of their property surrounded by farm ground.

Blincoe Farms, Inc., and Sanfords recognize that the economic development in the Mini-Cassia area along the freeway and adjacent to the city limits of Burley and Heyburn is creating demand for additional sites to be used for commercial and light industrial purposes. The proximity of the property to the freeway and Exit 208 and the property's visibility from the freeway and convenient access from Highway 27 and 300 South Road make the property important for future economic development and expansion of the tax

base of Minidoka County.

The City of Burley has declared its intention to acquire the Blincoe and Sanford property for a municipal airport site. Blincoe Farms, Inc., and Sanfords are opposed to the City of Burley's plans, because an airport on the Blincoe Property will stunt the economic growth of Minidoka County and convert land which will ultimately be valuable for industrial and commercial use to a low value municipal use.


There is a dairy West of the Blincoe property in the NE¼ of Section 7. The property South of the freeway is mainly agricultural. The property to the North is used for residential and agricultural purposes. The property to the East is being developed for commercial uses.

The annexation of the property into the City of Heyburn and zoning of the property for industrial or commercial use will not have any current adverse impact on any of the neighboring uses.

There are no current plans or proposals for development of the property. Until potential buyers or tenants of commercial or light industrial sites are identified and their needs for parcel size, roads and utilities are identified, it is not practical to submit plans for roads and infrastructure. As specific commercial or industrial uses are proposed, the owners will confer with the City of Heyburn regarding roads and other infrastructure and specific plans for site development.

Dated this 5th day of March, 2008.

Blincoe Farms, Inc.

By: 
Richard L. Blincoe,
Vice President

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Minidoka County

Community Development

ZONING ORDINANCE OR MAP AMENDMENT APPLICATION

CITY OF JURISDICTION OR AREA OF IMPACT(if applicable): Heyburn

APPLICANT INFORMATION

NAME: Terry W. Sanford
Brenda L. Sanford TELEPHONE (WORK): Brenda 678-9076
ADDRESS: 325 S 700 W TELEPHONE (HOME): 679-3148
CITY: Heyburn STATE: ID ZIP CODE: 83336

PROPERTY INFORMATION

OWNER: Terry and Brenda SanfordLOCATION: 325 S 700 W ZONING DISTRICT: _____DESCRIPTION OF EXISTING USE: Residential use in agricultural light or agricultural mediumDESCRIPTION OF PROPOSED USE: Commercial or light industrialLEGAL DESCRIPTION (or attach): See Exhibit "A" attached - Part of NE 1/4of Section 7, Township 10 South, Range 23 East of the Boise Meridian,Minidoka County, Idaho

NECESSARY ATTACHMENTS

FEE: A non-refundable fee of \$200.00 (City of Paul \$400.00 deposit with \$300.00 non-refundable) shall accompany this completed application. Applicant will be billed for any additional costs above and beyond the initial fee or deposit, accrued by the County/City involving publication and notification of the public hearing as well as any other direct costs involved with the application for the Amendment.

VICINITY

MAP: For rezone or map amendment, a vicinity map showing property lines and dimensions, roads, easements and existing land use of all adjoining property.

Map is attached.

2 b) Exhibit

PLAN

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1. A detailed description of the proposed use or special application.
2. The reasons for requesting the amendment.
3. Evaluation of the impact of the proposed use or special application on surrounding property, the County/City, the area and the population in general.

Narrative Statement is attached

I certify that all the information I have submitted is true and correct. Any false information will result in the invalidation of this application.

DATE: 3-10-2008 APPLICANT SIGNATURE: Brenda L. Sanford
Terry W. Sanford

DATE: 3-10-2008 OWNER SIGNATURE: Brenda L. Sanford
Terry W. Sanford

NOTE: If there is more than one owner include attachment with all the owners' consent and signatures.

The Zoning Administrator reserves the right to not officially accept this application until all the required information is submitted and complete. The date of the public hearing will be set after acceptance of a completed application.

DATE ACCEPTED: _____ BY: _____

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NARRATIVE STATEMENT OF PROPOSED USE OF NORTHEAST QUARTER OF SECTION 7 AND NORTHWEST QUARTER OF SECTION 8 ALL IN TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Blincoe Farms, Inc., and Terry W. Sanford and Brenda L. Sanford submit this narrative statement regarding the proposed use of the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho if the property is annexed into the City of Heyburn and zoned for commercial or industrial use.

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The property is currently zoned by Minidoka County as agricultural light and agricultural medium.

With the exception of the residence of Terry and Brenda Sanford, the property is used for farming. Blincoe Farms, Inc., is farms the property which is subject of the annexation and zoning application and other farm ground in the vicinity as well as farm ground located at more remote locations. Blincoe Farms, Inc., would like to retain the use of their property for agricultural purposes as long as possible. Terry and Brenda Sanford would like to see the property owned by Blincoe Farms, Inc., used for farming purposes for as long as possible, so they can continue the residential use of their property surrounded by farm ground.

Blincoe Farms, Inc., and Sanfords recognize that the economic development in the Mini-Cassia area along the freeway and adjacent to the city limits of Burley and Heyburn is creating demand for additional sites to be used for commercial and light industrial purposes. The proximity of the property to the freeway and Exit 208 and the property's visibility from the freeway and convenient access from Highway 27 and 300 South Road make the property important for future economic development and expansion of the tax

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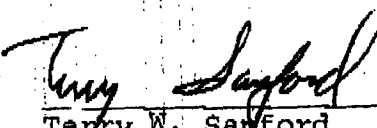
The annexation of the property into the City of Heyburn and zoning of the property for industrial or commercial use will not have any current adverse impact on any of the neighboring uses.

There are no current plans or proposals for development of the property. Until potential buyers or tenants of commercial or light industrial sites are identified and their needs for parcel size, roads and utilities are identified, it is not practical to submit plans for roads and infrastructure. As specific commercial or industrial uses are proposed, the owners will confer with the City of Heyburn regarding roads and other infrastructure and specific plans for site development.

Dated this _____ day of March, 2008.

Blincoe Farms, Inc.

By: _____
Richard Blincoe, President


Terry W. Sanford


Brenda L. Sanford

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PETITION AND REQUEST FOR ANNEXATION AND FOR ZONING OF LAND TO BE ANNEXED

TO: THE MAYOR AND COUNCIL OF THE CITY OF HEYBURN, IDAHO

Blincoe Farms, Inc., an Idaho corporation, of 211 South 700 West, Heyburn, Idaho 83336, acting through its authorized officers, being the sole owner or interest holder of the below described real property, petitions and requests annexation of the said land into the City of Heyburn, Idaho, and state as follows:

1. The land, containing 320 acres, more or less, which is the subject of this request is located generally south of 300 South, north of 350 South (also known as Interstate 84), west of 650 West and east of 750 West, in Minidoka County, Idaho, and is more particularly described as set forth on Exhibit "A", attached hereto and incorporated herein by reference.
2. There are no other owners of such land nor holders of interests in the property, Exhibit "A", including liens, mortgages or deeds of trust or other security interests, except as noted on Exhibit "B", attached hereto and incorporated herein by reference.
3. The land is contiguous to the existing city limits of the City of Heyburn. The portion of the land contiguous to the City of Heyburn is described and depicted on the area map attached as Exhibit "C" hereto.
4. The undersigned requests the City Council consider the land be zoned as for use as "CG" (Commercial General) or "IL" (Industrial Light).
5. The undersigned pledges to survey of the annexed area (as provided in Idaho Code 63-2215) and the cost of the survey to be assumed and paid in full by the

PETITION FOR ANNEXATION AND ZONING - 1

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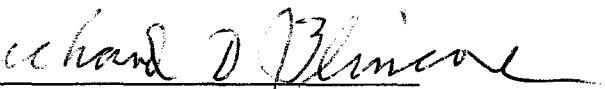
SA Exhibit

undersigned, if such is required by the Idaho State Tax Commission to accept the description of the land to be annexed. The undersigned understands that delivery to the City of Heyburn of a survey that complies with the requirements of law is a condition precedent to the council considering this request.

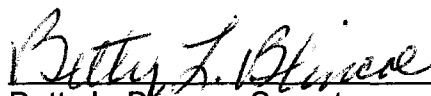
6. If it is determined that there are other parties who have an interest in the subject property, the undersigned understands that the City may refuse to consider this petition until their written assent to this petition has been provided to the City.
7. The land to be annexed is intended by the undersigned to be used as and sold for commercial use.
8. All fees associated with consideration of this petition for annexation and request for zoning will be paid by the undersigned as a condition precedent to consideration of this request including the recording of the annexation ordinance.

Dated this 9th day of January, 2008.

BLINCOE FARMS, INC.


Richard Blincoe, President

Attest:

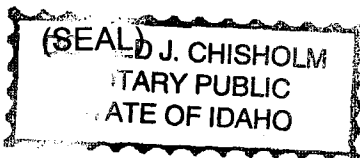

Betty L. Blincoe, Secretary

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STATE OF IDAHO)
) ss.
County of Cassia)

On this 9th day of January, 2008, before me the undersigned a Notary Public in and for said State, personally appeared **Richard D. Blincoe and Betty L. Blincoe**, the president and secretary, respectively, of Blincoe Farms, Inc., known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they executed the same on behalf of said Corporation as its authorized officers.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Donald J. Chisholm
Notary Public for Idaho
Residing at Burley, Idaho *Robert*
Commission Expires: 2-14-2012

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TECHNICAL SUPPORT

PETITION FOR ANNEXATION AND ZONING - 3

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EXHIBIT "A"
(Real Property)

Township 10 South, Range 23 East of the Boise Meridian, in Minidoka County, Idaho:

Parcel 1

Section 7: NE1/4, EXCEPT:

That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, said corner marked by a 5/8" rebar which shall be the POINT OF BEGINNING;

Thence North 89°27'32" West along the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 170.41 feet to a point;

Thence North 00°09'48" East for 5.76 feet to a 1/2" rebar;
Thence North 00°09'48" East for 249.86 feet to a 1/2" rebar;

Thence South 89°27'32" East for 170.41 feet to a 1/2" rebar on section line; Thence South 00°09'48" West along section line for 255.62 feet to the POINT OF BEGINNING.

Parcel 2:

Section 8: NW1/4.

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EXHIBIT "B"

Other Owners of Interest Holders

(NONE)

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EXHIBIT "C"

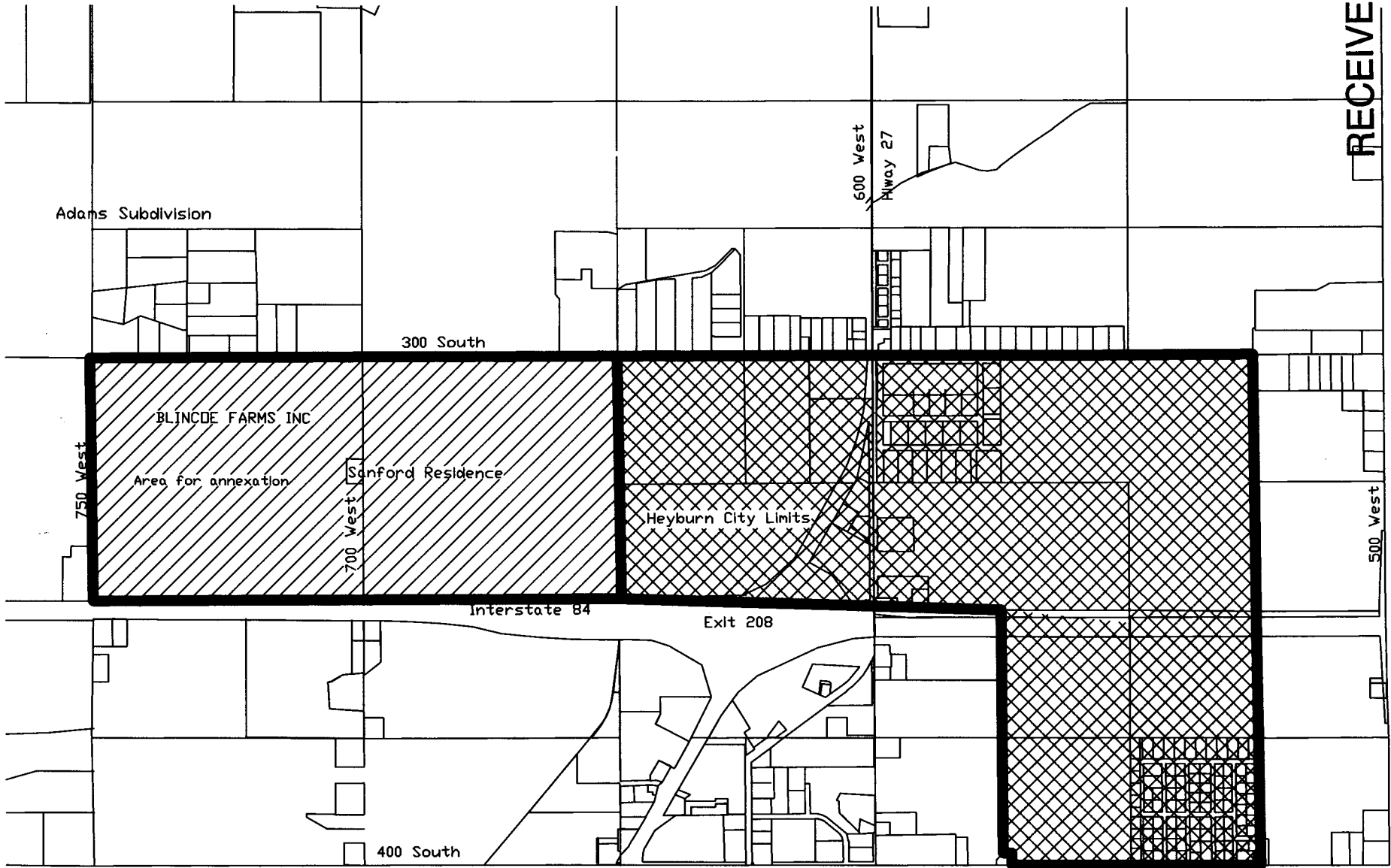
Description of where land is contiguous to city limits:

(Area map attached)

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PETITION AND REQUEST FOR ANNEXATION AND FOR ZONING OF LAND TO BE ANNEXED

TO: THE MAYOR AND COUNCIL OF THE CITY OF HEYBURN, IDAHO

Terry W. Sanford and Brenda L. Sanford, husband and wife, of 325 South 700 West, Heyburn, Idaho 83336, being the sole owners or interest holders of the below described real property, petitions and requests annexation of the said land into the City of Heyburn, Idaho, and state as follows:

1. The land, containing one (1) acre, more or less, which is the subject of this request is located generally south of 325 South 700 West, in Minidoka County, Idaho, and is more particularly described as set forth on Exhibit "A", attached hereto and incorporated herein by reference.
2. There are no other owners of such land nor holders of interests in the property, Exhibit "A", including liens, mortgages or deeds of trust or other security interests, except as noted on Exhibit "B", attached hereto and incorporated herein by reference.
3. The land is contiguous to the existing city limits of the City of Heyburn. The portion of the land contiguous to the City of Heyburn is described and depicted on the area map attached as Exhibit "C" hereto.
4. The undersigned request the City Council consider the land be zoned as for use as "CG" (Commercial General) or "IL" (Industrial Light).
5. The undersigned pledge to survey of the annexed area (as provided in Idaho Code 63-2215) and the cost of the survey to be assumed and paid in full by the undersigned, if such is required by the Idaho State Tax Commission to accept

PETITION FOR ANNEXATION AND ZONING - 1

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SB Exhibit

the description of the land to be annexed. The undersigned understands that delivery to the City of Heyburn of a survey that complies with the requirements of law is a condition precedent to the council considering this request.

6. If it is determined that there are other parties who have an interest in the subject property, the undersigned understands that the City may refuse to consider this petition until their written assent to this petition has been provided to the City.
7. The land to be annexed is intended by the undersigned to be used as and sold for commercial use.
8. All fees associated with consideration of this petition for annexation and request for zoning will be paid by the undersigned as a condition precedent to consideration of this request including the recording of the annexation ordinance.

Dated this 10th day of January, 2008.


Terry W. Sanford

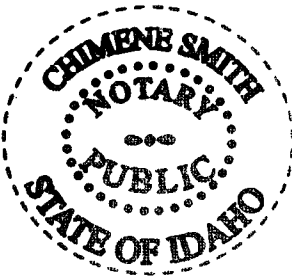

Brenda L. Sanford

STATE OF IDAHO)
) ss.
County of Cassia)

On this 10 day of January, 2008, before me the undersigned a Notary Public in and for said State, personally appeared **Terry W. Sanford and Brenda L. Sanford**, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)



A handwritten signature in cursive script, reading "Chimene Smith", written over a horizontal line.

Notary Public for Idaho

Residing at ~~Burley~~, Idaho

Commission Expires:

Payel
1/30/13

PETITION FOR ANNEXATION AND ZONING - 3

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EXHIBIT "A"
(Real Property)

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE
MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 7: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly
described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 7, said corner marked by a 5/8" rebar which shall be
the POINT OF BEGINNING;

Thence North 89°27'32" West along the South line of the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 170.41 feet to a point;

Thence North 00°09'48" East for 5.76 feet to a 1/2" rebar;
Thence North 00°09'48" East for 249.86 feet to a 1/2" rebar;

Thence South 89°27'32" East for 170.41 feet to a 1/2" rebar
on section line; Thence South 00°09'48" West along section
line for 255.62 feet to the POINT OF BEGINNING.

EXHIBIT "B"
Other Owners of Interest Holders

(NONE)

PETITION FOR ANNEXATION AND ZONING - 5

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EXHIBIT "C"

Description of where land is contiguous to city limits:

(Area map attached)

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To the Heyburn Mayor, Council Members, & the Local Communities,

4-6-08

Unfortunately, I will be out of state on April 9th, and will not be able to attend the meeting where Blincoe Farms will request a re-zoning change for 320 acres that will be vital to building a new airport.

Since I can't be there, I have two important questions that I hope someone will ask.

The first question: How many more acres, besides the 320 needed for a new airport, does Blincoe Farms own in that area? Blincoe Farms may own much more land around there. My thought is, if he truly wishes to develop an industrial park, and isn't doing this rezoning request out of spite, he should allow the 320 acres to remain agricultural and be developed into an airport, and zone his other nearby land commercial, and he would then have the ultimate commercial development: an Airport Industrial Park. AND THEN, the whole community could REALLY attract large businesses, besides just DOT Foods. And those businesses could be in Heyburn too, if the land is rezoned for there. Now I don't have a clue how much land he owns, but I imagine it's a lot more than a mere 320 acres. But if he really wants a profitable industrial development, he absolutely needs the support of a nearby airport. Otherwise, without any airport at all, I think only the cows or crops would be interested in that land. There are several successful airport industrial parks around the nation, and it is the merging of the best of two worlds. Mr. Blincoe wouldn't have to own or maintain the airport, but businesses drawn to his land would have use of the airport. Both the businesses, Mr. Blincoe, the community, and the airport would benefit and prosper. He needs to be very aware of the more lucrative financial possibilities of the land AROUND the airport; not only for him, but for the whole area. Everyone could benefit; it would be a win-win situation.

My next question is not only for Mr. Blincoe, but for all of the council members and the Mayor of Heyburn. Are you mentally prepared to take joint responsibility for totally closing down the existing airport, with no replacement airport? Let me give you an example: your spouse, or someone in your family, or a friend has a heart attack, or stroke, or is in a bad accident, during inclement weather. There are no intensive care units at either CRMC, or the Minidoka Hospital. They do have transitional care, while they wait for a life flight either to Boise or SLC, but they need to be transported out of there to where better medical support equipment is available as quickly as possible. The element of time passage in critical care transport makes a difference between life and death. But it isn't possible to use a helicopter in certain weather conditions (they have no de-icing capabilities), and there would be no airports, other than Twin Falls or Pocatello, to land a Life Flight airplane at. Therefore, under bad (but airplane flyable) weather conditions, the person you know and love, will have to be transported by ambulance to an airport where a Life Flight could pick them up for the rest of the trip. It is about 50 miles by road to Twin Falls. If the weather is bad, it would take more than an hour to get there, if the ambulance doesn't end up in the barrow pit along with everyone else. It is a bit over 70 miles by road to the Pocatello airport.

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Now Life Flight airplanes can fly on instruments, and this airport has a variety of instrument approaches, and the airplanes are all equipped with excellent de-icing equipment. No life Flight aircraft coming or going has ever had an accident here in the history of the existing airport. I don't think the same claim can be made for long distance ambulance transport. A new airport would have even better capabilities.

Without any airport, it will take 2 to 3 times longer to transport a critical patient, and the odds for their survival decline rapidly with the passage of time. Even if they could go in a helicopter, chances are it would have to make a fuel stop at Twin Falls or Pocatello, adding another ½ hour, or more, to the helicopter transport. It takes a long time to cool the engine and wind down & stop the blades before fueling. Then it takes a while to wind them back up again in order to leave. Fuel consumption is horrendous in helicopters, and they do not have the long distance capabilities of airplanes.

So my whole 2nd question to the 8 people who are making this decision and/or rezoning decision is: If you rezone the Blincoe Farms 320 acres commercially, are you prepared mentally and morally for the prospect of people dying in Life Flight transport because of no local airport, and the longer transport time involved, so they just don't quite make it to a major medical center in time? If there is no airport between Twin Falls and Pocatello, some people from the surrounding communities here will die during the long medical transport time, when they would have survived otherwise. I suppose it might be easier on your conscious if it happens to people that you don't know, or you didn't hear that they died during road transport. However, you might (?) feel regretful of your decision to rezone to commercial (ultimately closing the existing airport), if your family or friends die before their time, in a road ambulance, and you DO hear about it happening.

I am not trying to lay a guilt trip on you; I AM trying to see what's down the road, for the outcome and consequences of both questions; for it will be one solution, and not the other that prevails. I personally want the best outcome for everyone concerned, even for Mr. Blincoe, and for our united economic survival and prosperity, and ultimately, the survival of local citizens in critical-care medical need.

I believe every action one does has consequences, and they can be good or bad; but someday we will be held accountable for all the consequences of all of our actions, whether or not we are aware of how others are affected, or suffer by our actions.

Thank you for your time,

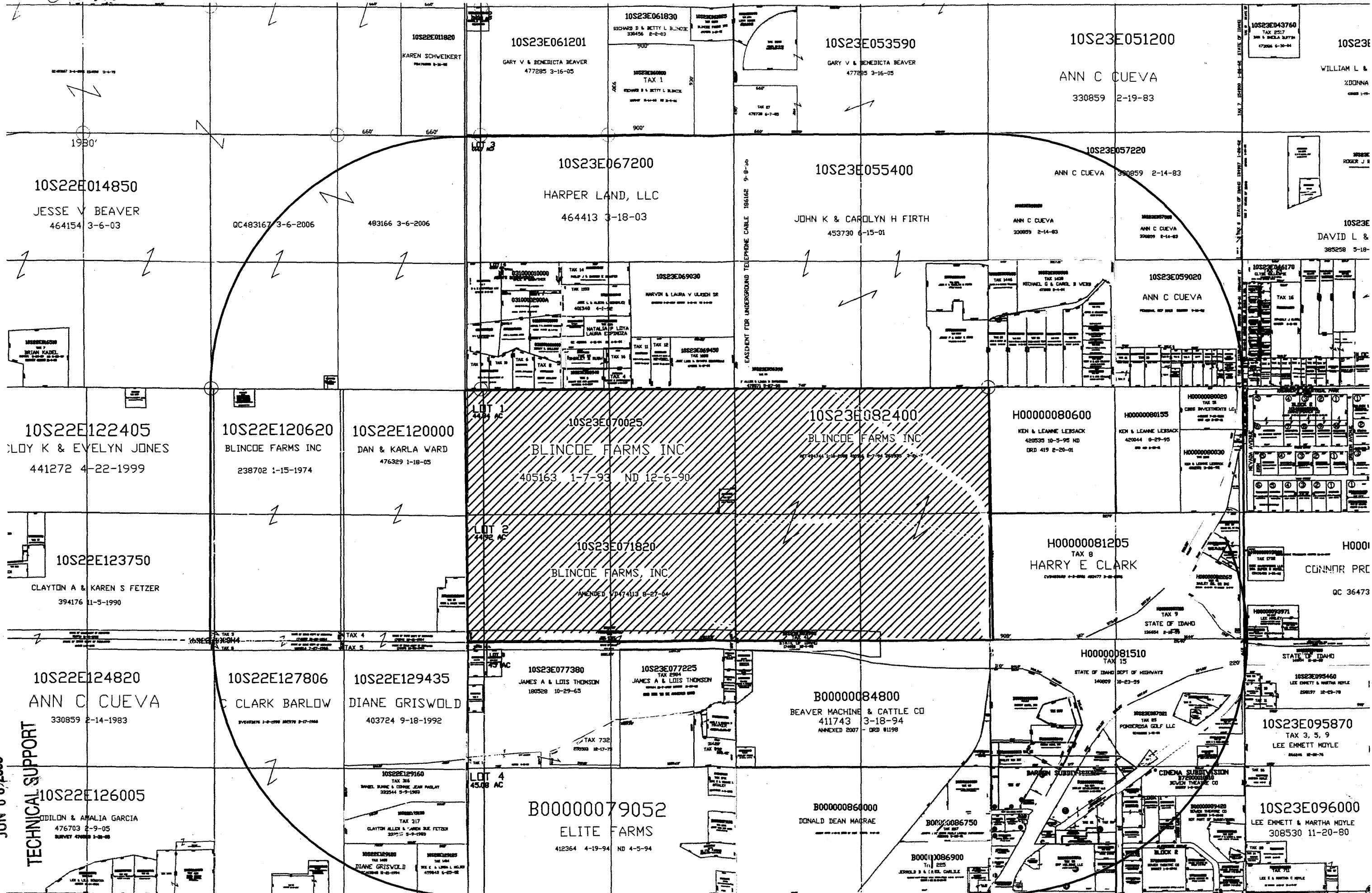
Sharon Campbell
1018 Airport Rd.
Burley, Idaho

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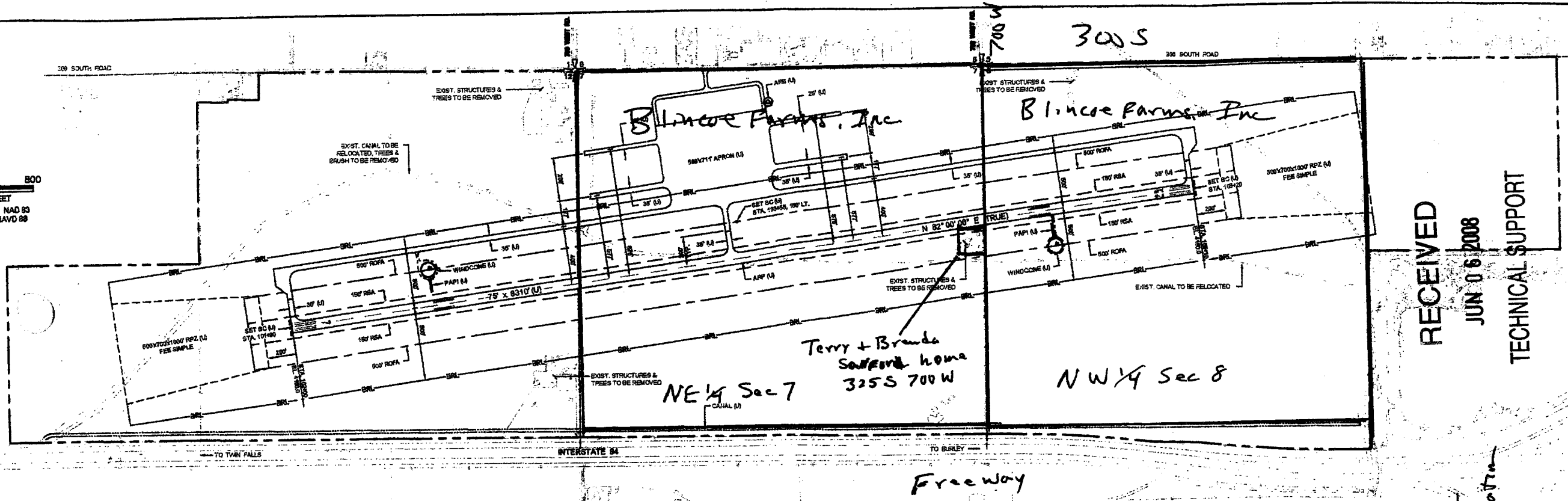
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Exhibit 1



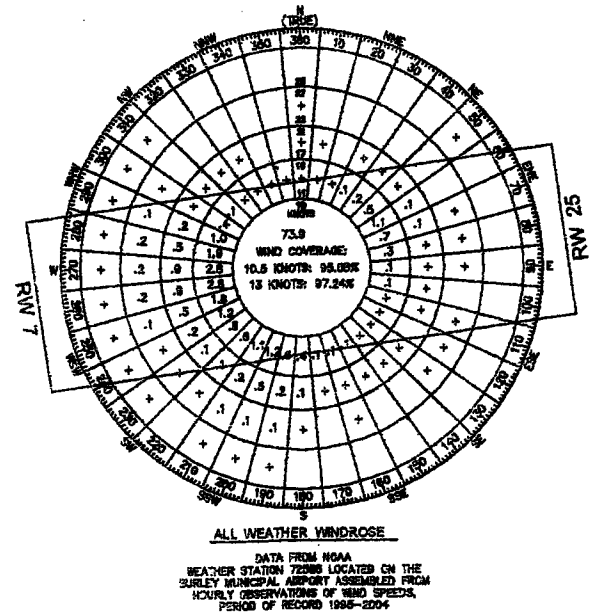
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RUNWAY DATA TABLE		
	RUNWAY 725	
	EXISTING (E)	ULTIMATE (U)
GRADIENT (IN %)	-	0%
INWAY	-	-
VAL SURFACES	-	ACP
TH	-	12,500 SWG
TY MINIMUMS	-	1 MILE
SIGHT	-	MET
H SLOPE - RW 3	-	34:1
H SLOPE - RW 25	-	34:1
AIDS	-	PAPI
ACH AIDS	-	NONE
	-	MIRL
	-	NON-PRECISION
REFERENCE CODE	-	B-II
	-	CESSNA 441
A (R/S) DIMENSIONS	-	150

LEGEND		
EXISTING (E)	ULTIMATE (U)	DESCRIPTION
		AIRPORT PROPERTY LINE
		BUILDING RESTRICTION LINE - 35' HIGH
		FENCE
		GRAVEL ROAD
		GROUND CONTOUR
		IRRIGATION CANAL
		RUNWAY OBJECT FREE AREA (ROFA)
		PAVED ROAD
		RUNWAY PROTECTION ZONE (RPZ)
		RUNWAY SAFETY AREA (RSA)
		RUNWAY/TAXIWAY/ARON PAVEMENT
		AIRPORT REFERENCE POINT (ARP)
		AIRPORT ROTATING BEACON (ARB)
		BUILDING
		BRASS CAP (BC)
		HOLD POSITION MARKINGS
		PRECISION APPROACH PATH INDICATOR (PAPI)
		RUNWAY THRESHOLD LIGHTS
		SECTION CORNER AND SECTION LINE
		TREES



Area map - Blincoe Farms, Inc.
and Sanford Zoning Application
to City of Hayburn

AN ORDINANCE OF THE CITY OF HEYBURN, MINIDOKA COUNTY, IDAHO, ANNEXING CERTAIN REAL PROPERTY OWNED BY BLINCOE FARMS, INC. AND TERRY W. SANFORD AND BRENDA L. SANFORD, ADJACENT TO THE CITY AND LOCATED IN MINIDOKA COUNTY; AND, FINDING SUCH TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN AND DESIGNATING THE ZONING FOR SUCH LAND AS "CG" (COMMERCIAL GENERAL) AND, PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City finds that the land described below, (the "Subject Property"), is contiguous to the City as set forth on the area map attached as Exhibit "A"; and, WHEREAS, the said Subject Property may likely be developed for commercial uses in the future; and, WHEREAS, the City has determined and hereby finds that it either has adequate current facilities and resources to provide City utility services to the Subject Property or that it will obtain or develop such in the future as it is able to do so; and, WHEREAS, the City hereby determines and declares that it is in the best interests of not only the property owners of the Subject Property, but also the City as a whole for such land to be annexed into the City and that such annexation is consistent with the City's current version of the City's Comprehensive Plan and that such annexation is reasonable given all factors; and, WHEREAS, the owners of such Subject Property, Blincoe Farms, Inc. and Terry W. Sanford and Brenda L. Sanford, have consented to annexation or have not raised any objection and the City can proceed with the annexation as a "Category A" type of annexation as set forth in Idaho Code Section 50-222 (3) and (5)(a); and, WHEREAS, the City has determined that the most appropriate zoning district designations for the said Subject Property would be "CG" (Commercial General); and, WHEREAS, pursuant to the laws of the State of Idaho and the ordinances of the City, public hearings were held pursuant to public notice as follows: before the Heyburn Planning and Zoning Commission on March 10, 2008 at 7:00 P.M. And reported its recommendations to the City Council at its March 12, 2008 regular meeting; and before the Heyburn City Council on April 9, 2008 at 7:00 P.M.; and both bodies did invite and take public comment and received documents which were all admitted to the official record of the proceedings and were also duly reviewed; and, WHEREAS, the Planning and Zoning Commission, after due deliberation, recommended to the Council that such petition for annexation be granted and the Subject Property be zoned as CG ("Commercial General"); and the City Council after due deliberation, agreed that such petition should be granted and finds that such zoning designation is in the best interests of the City, its growth, economic development and is consistent with the City's Comprehensive Plan;

FURTHER, consistent with the foregoing, the City makes the following findings and conclusions:

1. The Subject Property is contiguous to the City of Heyburn.
2. The City has domestic water and sewer facilities adjacent to the Subject Property.
3. The property owners of the Subject Property desire to be annexed into the City and have petitioned the City to be annexed.
4. The southern border of the Subject Property is near or contiguous to the Interstate 84, and therefore such the Subject Property has great potential for commercial development and is less suitable or desirable for residential development. The eastern border of the Subject Property is close to Highway 27, Interstate 84 ("I-84") and also Exit 208 of I-84.
5. The proximity of the Subject Property to Highway 27 and to Exit 208 of I-84 makes commercial development of the property not only feasible, but likely of prime interest. The location of the Subject Property allows for relatively easy access for trucks and other commercial vehicles to travel to it from I-84 and return to I-84, creating less traffic problems within the other portions of the City.
6. The Subject Property can be served now or in the future by all of the City's municipal utility services. The current uses of the Subject Property do not require City water or sewer be installed at the present time nor have the owners of the Subject Property requested such.
7. The City has adequate means to provide law enforcement as needed in the subject property.
8. The City's current Comprehensive Plan ("Plan") encourages or provides:
 - A. That the City's economy should be enhanced with further commercial development. The Plan noted the positive economic effects of the J.R. Simplot Company potato processing plant on the City, which plant was closed subsequent to the adoption of the Plan. The business and jobs lost as a result of that plant closing have not been fully replaced by new businesses which have opened in the area since such closure.
 - B. Development should be consistent with the characteristics of the land. While currently the Subject Property is being used as farm land, the Subject Property's characteristics are consistent commercial use, due to its close access to both Highway 27 and I-84. The commercial growth next to and along Highway 27 and next to and along the frontage of I-84 appears to be very likely.
 - C. The survey conducted pursuant to the creation of the current Comprehensive Plan indicated a need for more and further economic development in the City, especially along the "Interstate corridor". The Plan notes that not only would such development stimulate the economic growth of the City, but also the growth would increase the City's tax base. Also, such economic growth will stimulate residential growth in the City.
 - D. Commercial growth of the City should occur in areas of the City apart from residential uses, and ideally should not mix with existing or future areas of residential growth. Annexation and zoning of the Subject Property will provide means to discourage such undesirable mix of uses and allow the City to plan for more orderly growth.
 - E. The City expressly desires to increase growth and development of the area near 500 West and Interstate 84. The Subject Property is next to this Interstate access.
 - F. The Plan expressly encourages commercial development in the area of Exit 208 of I-84, the exit closest to the Subject Property.
 - G. The City, situated in the middle of the Mini-Cassia area (Minidoka and Cassia Counties) makes it the "hub" of the area and accordingly development of the City, both residential and commercial, is inevitable and being planned for by the City.
9. Commercial use of the Subject Property will increase the tax base of the City and provide for the means to partially or in whole fund projects within the area annexed and possibly other services for the City at large.
10. The current use of the Subject Property is agricultural. The petitioners have requested that the land be zoned commercial or light industrial. The City finds that CG ("Commercial General") is most appropriate at this time. If the land were zoned as agricultural, the City would have less ability to control and plan for eventual commercial development of the Subject Property and the land in that area and therefore the City's planning needs are better served by zoning the land as CG ("Commercial General") at this time.
11. Annexation of he Subject Property at this time is in the best interests of the City so that the City can continue to plan and make further arrangements to provide municipal utilities and develop appropriate roads and other infrastructure to the Subject Property in order for it to be developed as a commercial area.
12. The annexation of the Subject Property will allow for orderly growth and economic development of the City and is in the best interests of the City and its citizens.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Heyburn as follows:

Section 1: The following described land (the Subject Property) is hereby declared to be annexed to and incorporated into the City of Heyburn as a part of said City; and, the city limits of the City of Heyburn being enlarged to encompass such land within its borders:

Parcel 1: NE¼ of Section 7, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho

Parcel 2: NW¼ of Section 8, Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho

Section 2: The said Subject Property should be and hereby is zoned as follows: "CG" (Commercial General). Such designation as to such land shall be deemed an amendment to the City's Official Zoning Map.

Section 3: This ordinance shall be in full force and effect from and after its three readings, passage, approval and publication.

PASSED this 14th day of May, 2008 by the City Council of the City of Heyburn.

APPROVED this 14th day of May, 2008, by the Mayor of the City of Heyburn.

By: George A. Anderson, Mayor

Attest:

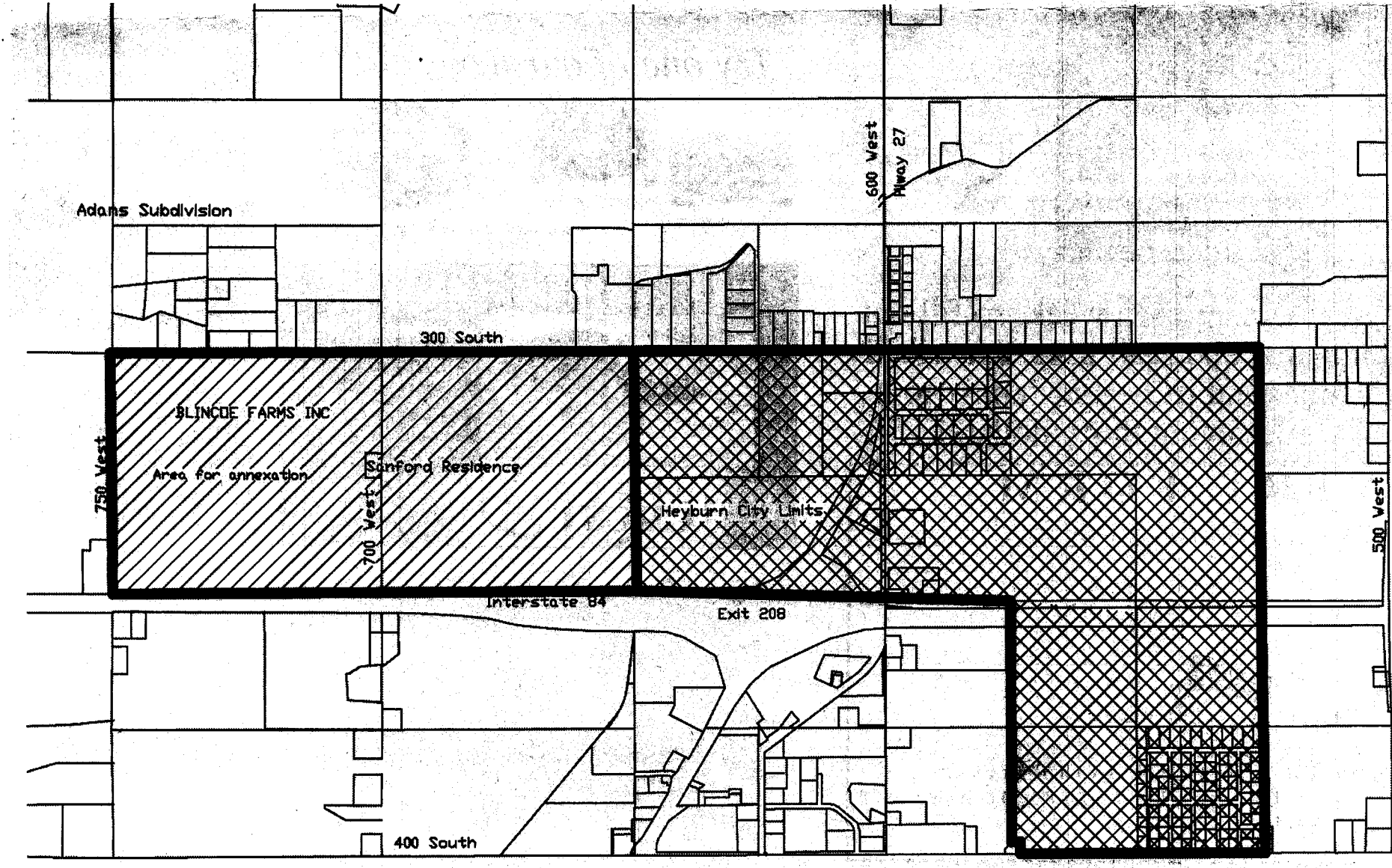
Linda L. Dayley, Clerk

PUBLISH: South Idaho Press May 29, 2008

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JUN 06, 2008

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Exhibit 6

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Exhibit #3

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Exhibit #3

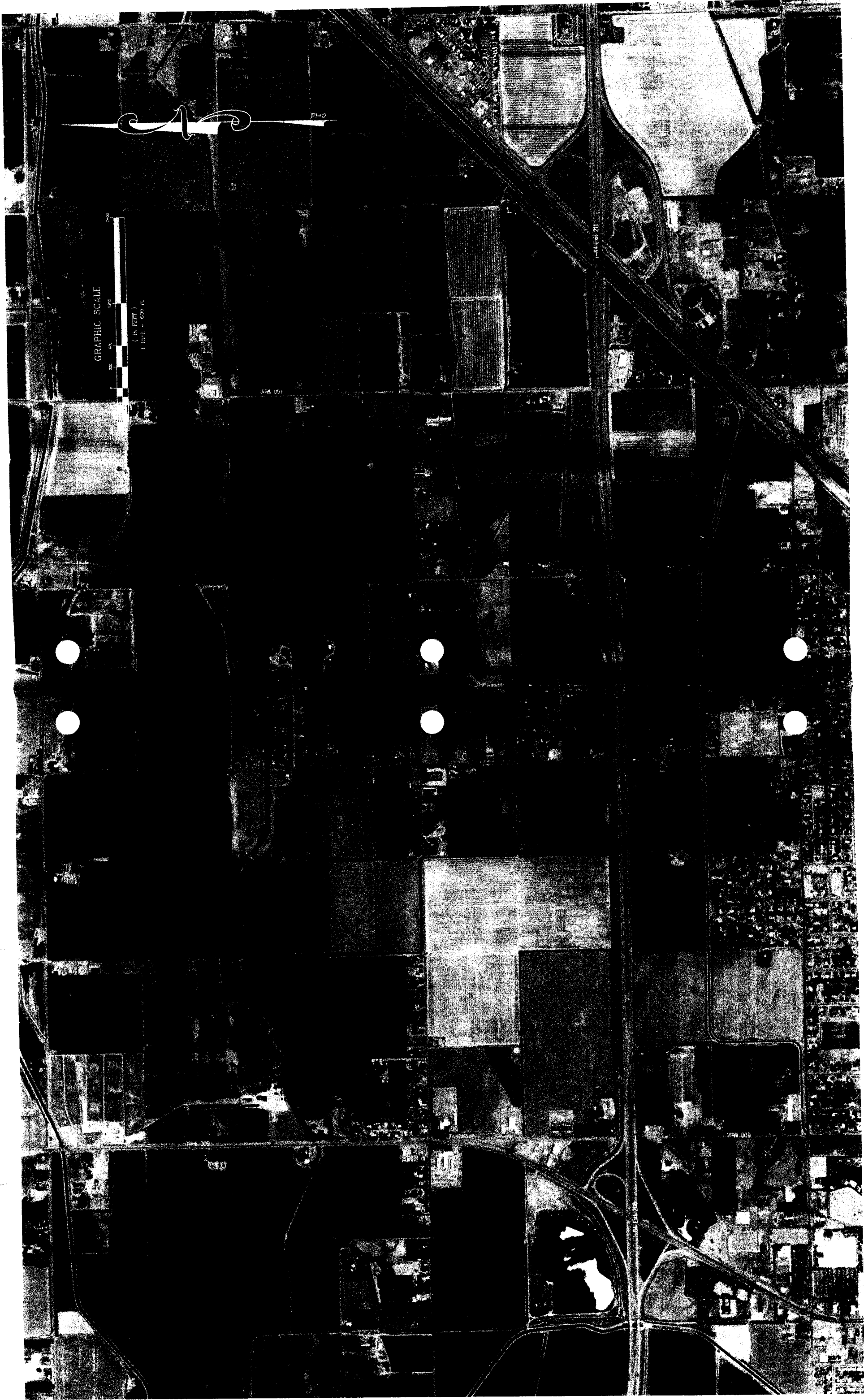


Exhibit #4

Exhibit #4